

REMARKS

Claims 9 and 15-20 are presently pending. Claims 1-8 and 10-14 have been canceled herein without prejudice. Claims 9, 15, 17 and 20 have been amended. Applicants note the Examiner's courtesy in the last telephone interview and her willingness to consider amended claim 9 which was previously submitted in draft form for her review.

With respect to independent claim 9, applicants have incorporated the limitations of claim 4 into this claim, as requested by the Examiner.

With regard to claim 15, applicants have amended it to remove reference to "N,N-bis[2-[bis(carboxy-methyl)-amino]ethyl]glycine, DTPA bis methylamide, 1,4,7,10-tetraazacyclododecane-1,4,7,10-tetraacetic acid, DTPA bis morpholinoamide and DTPA bis 1,2-dihydroxypropylamide."

Claim 17 has been amended to recite "contrast agent" instead of "metal chelate contrast agent." Support for this amendment can be found on page 3 of the specification.

Claim 20 has been amended to recite "metal ion M" and "organic ligand L" instead of "metal ion" and "organic ligand," respectively. Support for this amendment can be found on page 3 of the specification.

Therefore, for the foregoing reasons, no new matter has been added by these amendments.

35 U.S.C. § 112**Claim 1, 3, 4, 7 and 8**

Claims 1, 3, 4, 7 and 8 were rejected as indefinite due to the statement "L" is an organic ligand which may be the same as the organic ligand of the metal chelate contrast agent or

may be another organic ligand which has a greater affinity for the metal chelate contrast agent than for calcium or zinc,” which is allegedly ambiguous because of the reference to components not present in the excipient. Applicants respectfully traverse the § 112 rejection.

Applicants respectfully assert that the reference to the ligand of the contrast agent defines the structure and properties of L’. One skilled in the art would understand that L’ is either the same as the ligand of the contrast agent or is a ligand with greater affinity for the metal ion of the contrast agent for calcium or zinc. Thus claims 1, 3, 4, 7 and 8 are sufficiently definite. However, solely to expedite prosecution, applicants have cancelled claims 1, 3, 4, 7 and 8 thus rendering the rejection of these claims moot.

Claim 9 and 17

Claims 9 and 17 have been rejected because the reference to a metal chelate contrast agent is allegedly unclear and thus renders the claim indefinite. Applicants respectfully traverse the § 112 rejection of claims 9 and 17.

Solely to expedite prosecution, applicants have hereinabove amended claim 9 to recite structures and formula for the contrast agent and the excipient. Applicants have amended claim 17 to recite “contrast agent” instead of “metal chelate contrast agent.” Applicants believe that the amendments to claims 9 and 17 have rendered this rejection moot.

For the above reasons, applicants respectfully request withdrawal of the § 112 rejections. Therefore, as all outstanding rejections have been addressed, applicants assert that the presently pending claims are in condition for allowance. Thus, applicants request the speedy issuance of a notice of allowance.

If a telephone interview would be of assistance in the prosecution of this application, the Examiner is invited to telephone Applicants' undersigned attorneys at his convenience at the number provided below.

CONCLUSION

No fees are believed due in connection with the filing of this *Amendment and Response*. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

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/Henry J. Cittone/

Henry J. Cittone, Reg. No. 57,206
Donald Rhoads, Reg. No. 34,705
Attorneys for Applicants
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100 (phone)
(212) 715-8000 (fax)